



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/869,164	06/25/2001	Ryuji Ishiguro	209466US6PCT	9239
22850	7590	06/10/2005	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			AL HASHEMI, SANA A	
			ART UNIT	PAPER NUMBER
			2161	

DATE MAILED: 06/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/869,164

Applicant(s)

ISHIGURO ET AL.

Examiner

Sana Al-Hashemi

Art Unit

2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 19-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 19-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08).
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is issued in response to the applicant RCE filed 4/04/05.
2. Claims 1-3, 19-21 are amended. Claims 4-18 canceled. Claims 22-33 were added.
3. Claims 1-3, 19-33 are pending.
4. Applicant's arguments with respect to claims 1-3, AND 19-33 have been considered but are moot in view of the new ground(s) of rejection.
5. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/3/04 has been entered.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, and 19-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Benson et al. (Benson hereinafter) (US Patent No. 5,845,281).

Regarding Claims 1, 2, 3, 26, 32, and 33, Benson discloses an apparatus for managing using condition information corresponding to the content comprising:

means for receiving said using condition information, described in a first format the using condition information indicating usage rules corresponding to the content data (Fig. 1, 42, Col. 5, lines 24-28, Benson);

means for converting said first format of said using condition information into a second format (Col. 6, lines 40-43, Benson), said second format being different from the first format (Col. 6, 7, lines 43-48, 53-59, respectively, Benson); and

means for transmitting the using condition information described in the second format (Col. 7, lines 15-22, Benson).

Regarding Claims 19, 20, and 21, Benson discloses a data processing apparatus for managing using condition information corresponding to the content data, said data processing apparatus comprising:

means for receiving said using condition information, described in a first format the using condition information indicating usage rules corresponding to the content data (Fig. 1, 42, Col. 5, lines 24-28, Benson); and

means for converting said first format of said using condition information into a second format, said second format being different from the first format (Col. 6, 7, lines 43-48, 53-59, respectively, Benson);

wherein the using condition information includes at least one item comprising an item name and a value corresponding to the item name and the using condition information described

Art Unit: 2161

in the second format is substantially equal in meaning to the using condition information described in the first format (Col. 7, lines 2-14, Benson).

Regarding Claims 22, and 28, Benson discloses an apparatus for managing using condition information of claim 1, further comprising:

means for decrypting the using condition information described in the first format (Col. 11, 41-47, Benson);

means for encrypting the using condition information described in the second format (Col. 11, lines 57-63, Benson).

Regarding Claims 23, and 29, Benson discloses an apparatus for managing using condition information wherein the using condition information includes a limit of reproductions of the content data (Col. 12, lines 58-65, Benson).

Regarding Claims 24, and 30, Benson discloses an apparatus for managing using condition information, wherein the using condition information includes a period of time (Col. 15, lines 41-46, Benson).

Regarding Claims 25, and 31, Benson discloses an apparatus for managing using condition information wherein the using condition information includes cost data Col. 7, lines 63-67, Benson).

Regarding Claim 27, Benson discloses an apparatus for managing using condition information further comprising:

a decryption device configured to decrypt the using condition information described in the first format (Col. 15, lines 14-22, Benson).

Other Prior Art Made of Record

1- Benson et al. (US Patent No. 5,845,281) discloses a method and system for managing a data object so as to comply with predetermined conditions for usage.

2- Wiser et al. (US Patent No. 6,330,675) discloses a system and method for secure transfer of digital data to a local recordable storage medium.

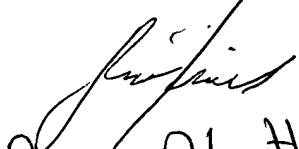
3- Rhoads et al. (US Patent No. 6,442,285) discloses controlling operation of a device using a re-configurable watermark detector.

4- Van Zoest et al. (US Patent No. 6,496,802) discloses system and method for providing access to electronic works.

Points of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to: Sana Al-Hashemi whose telephone number is (571) 272-4013. The examiner can normally be reached on Monday - Friday from 8:00 AM to 4:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (571) 272-4023. Any response to this office action should be mailed to: The Commissioner of Patents and Trademarks, Washington, D.C. 20231. Or telefax at phone number (703) 872-9306. For formal or draft communications, please label "PROPOSED" or "DRAFT". Hand-delivered response should be brought to Crystal Park II, 2121 Crystal Drive, 6th Floor Receptionist, Arlington, Virginia. 22202.

Sana Al-Hashemi
Patent Examiner
Technology Center 2100
June 7, 2005


Sana AL-Hashemi